
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1399 Session of
2015

INTRODUCED BY EICHELBERGER, SCARNATI, FOLMER, WHITE, WAGNER,
AUMENT AND ALLOWAY, OCTOBER 26, 2016

REFERRED TO STATE GOVERNMENT, OCTOBER 26, 2016

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," repealing the definition of
14 "maintenance of membership"; and further providing for
15 employe rights and the scope of collective bargaining and
16 for membership dues deductions.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Sections 301(18), 401 and 705 of the act of July
20 23, 1970 (P.L.563, No.195), known as the Public Employe
21 Relations Act, are amended to read:

22 Section 301. As used in this act:

23 * * *

24 (18) ["Maintenance of membership" means that all employes
25 who have joined an employe organization or who join the employe

1 organization in the future must remain members for the duration
2 of a collective bargaining agreement so providing with the
3 proviso that any such employe or employes may resign from such
4 employe organization during a period of fifteen days prior to
5 the expiration of any such agreement.] (Reserved).

6 * * *

7 Section 401. (a) It shall be lawful for public employes to
8 organize, form, join or assist in employe organizations or to
9 engage in lawful concerted activities for the purpose of
10 collective bargaining or other mutual aid and protection or to
11 bargain collectively through representatives of their own free
12 choice and such employes shall also have the right to refrain
13 from any or all such activities[, except as may be required
14 pursuant to a maintenance of membership provision in a
15 collective bargaining agreement].

16 (b) Except as required by a collective bargaining agreement
17 entered into prior to the effective date of this section, all
18 public employes who have joined an employe organization may
19 resign from such employe organization by doing so in writing at
20 any time and become a nonmember, as defined in section 2 of the
21 act of June 2, 1993 (P.L.45, No.15), known as the Public
22 Employee Fair Share Fee Law, at any time.

23 Section 705. [Membership dues deductions and maintenance of
24 membership are proper subjects] The deduction of membership dues
25 is a proper subject of bargaining with the proviso that [as to
26 the latter,] the payment of dues and assessments while
27 members[,] may be the only requisite employment condition.

28 Section 2. This act shall take effect in 30 days.